

DOCKET NO. PIP-69B-KATZ

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF: Gary M. KATZ

CONF. NO: 5972

GROUP ART UNIT: 3622

SERIAL NO: 09/828,122

FILED: April 9, 2001

EXAMINER: RETTA

TITLE: Paired Promotion Architecture

ASSISTANT COMMISSIONER FOR PATENTS

ALEXANDRIA, VA 22313

37 CFR 1.116 AMENDMENT

Sir:

In response to the final office action mailed 12/5/2008, which reopened prosecution in response to an appeal, the applicant amends the claims. However, a petition is outstanding contesting the propriety of the finality of the office action. Accordingly, it is likely that this amendment will be entered of right under 37 CFR 1.111. Previously in this case, the examiner improperly withdrew certain claims, which action was reversed by the group director by decision on petition. The new office action contains new 101 rejections based upon rationales specified in In re Bilski, additional 112 rejections and 102 based upon Deaton, USP 5,644,723, of the previously unexamined claims, and prior art rejections based upon Aggarwal and Herz, USP 6,349,309 and 6,571,279, respectively of the previously examined claims.

In response, the applicant amends to address the rejections.